
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY


UNITED STATES OF AMERICA : Honorable Katharine S. Hayden
v. : Criminal No. 08-845
CAMERON GASKINS :
: ORDER

Katharine S. Hayden, U.S.D.J.

On May 19, 2009, this Court entered judgment of conviction against Cameron Gaskins in Criminal Action No. 08-845. On March 1, 2010, Gaskins filed a motion to dismiss his conviction for lack of subject matter jurisdiction. This motion effectively amounts to a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct the sentence imposed upon him. Gaskins has appealed his sentence (*see* Crim. Action No. 08-845, D.E. # 45), which is currently pending, and thus the instant motion is premature. *See Outterbridge v. Motley*, Nos. 04-cv-6058, 03-cr-354-04, 2005 U.S. Dist. LEXIS 43556, at *6 (D.N.J. June 30, 2005) (Simandle, J.) (“It is clear that a § 2255 motion should not be heard while a direct appeal is pending regarding the same conviction.”); *Womack v. United States*, 395 F.2d 630, 631 (D.C. Cir. 1968) (“We are of the view that there is no jurisdictional bar to the District Court’s entertaining a Section 2255 motion during pendency of a direct appeal but that the orderly administration of criminal law precludes considering such a motion absent extraordinary circumstances.”).

For the foregoing reasons, Gaskins's motion is **DISMISSED** without prejudice.

SO ORDERED this 17th day of March, 2010



Hon. Katharine S. Hayden
United States District Judge